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May 15, 2008

VIA ELECTRONIC & US MAIL

Ms. Alice Yeh
ATTN: Lower Passaic River Remedial Project Manager
Emergency and Remedial Response Division
U.S. EPA, Region 2
290 Broadway, 19th Floor
New York, New York 10007

Re: Monthly Progress Report No. 12 – April 2008
Lower Passaic River Study Area (LPRSA) Remedial Investigation/
Feasibility Study (RI/FS)
CERCLA Docket No. 02-2007-2009

Dear Ms. Yeh:

de maximis, inc. is submitting this Monthly Progress Report for the above-captioned project on the behalf of the RI/FS Agreement Settling Parties (Cooperative Parties Group or CPG) pursuant to the Administrative Settlement Agreement and Order on Consent (Settlement Agreement or AOC). The Progress Report satisfies the reporting requirements of Paragraph 42 of said Settlement Agreement.

(a) <u>Actions which have been taken to comply with this Settlement</u>
Agreement during the previous month.

Meetings/Conference Calls

On April 22, 2008, CPG (R. Law, W. Potter, W, Hyatt, W. Porter, E. Won, and D. Nakles) met with EPA (R. Basso, A. Yeh, P. Hick and S. Flanagan of EPA and S. McDonald and S. Thompson of MPI) to review initial field sampling data that was collected in December 2007 and early 2008 for the Focused Feasibility Study (FFS). A preliminary description of the revised FFS alternatives was also presented by the EPA.

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Correspondence

- On April 1, 2008, EPA sent CPG an e-mail indicating that costs for activities related to pathogen risk assessment would not be paid out of the trust fund.
- On April 2, 2008 CPG sent EPA an e-mail indicating that they would like to discuss the need for finer resolution segmentation in the upper portion of sediment cores.
- On April 2, 2008 CPG sent EPA an e-mail transmitting updated proposed low resolution coring locations.
- On April 7, MPI sent CPG an e-mail discussing the Field Sampling Plan (FSP) Volume 1 reference to collection of finely segmented core top data.
- On April 15, 2008, CPG submitted the LPR Progress report for March to EPA.
- On April 8, 2008 CPG sent EPA a proposed list of analytes for the low resolution coring program.
- On April 16, 2008, MPI sent CPG an e-mail indicating that an updated version of the Premis database was available on the ourpassaic.org website.
- On April 22, 2008, EPA sent CPG an e-mail notice of a Remedial Options Work Group Meeting scheduled for May 7, 2008.
- On April 23, EPA sent an e-mail to CPG as a follow-up to the April 22 meeting and suggested a conference call to discuss the performance of analytical laboratories during the EPA field sampling efforts.

Work

- CPG continued to work on a revised QAPP/FSP addendum for the collection of low resolution sediment cores throughout the entire study area. This plan will be transmitted to EPA in early May.
- CPG continued to process and analyze bathymetry and topography data.
 This work includes processing the 2007 single-beam and multi-beam
 survey data, conducting depth differencing with historical data, and
 developing representative cross sections.
- CPG is reviewing the Draft Feasibility Study Work Plan internally and anticipates submission to the EPA in the near future pending discussions of ongoing early action feasibility work.



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- CPG continued to develop a framework for conducting the risk assessment and is awaiting receipt of the EPA/Partner Agencies' comments on the 2006 draft FSP Volume 2.
- CPG is working to update the conceptual site model. This work includes assessing historical and recent sediment contaminant data, a review of sediment stability and erosion, and an assessment of tides and currents.
- CPG has been evaluating potential pilots for remedial action demonstration within the study area.
- CPG has been meeting internally for scoping and scheduling RI/FS activities for 2007/2008.

(b) Results of Sampling and Tests

• There are no results from this reporting period.

(c) Work planned for the next two months with schedules relating to the overall project schedule for RI/FS completion

- CPG is planning initiation of the field work in June or July pending approval of the Low Resolution Coring QAPP/FSP addendum by EPA that will be submitted in early May.
- CPG anticipates meetings with EPA and the Partner Agencies (PA) to review and discuss unscoped tasks in FSP Volume 1 including water column, mudflat, groundwater, and pore water sampling.
- CPG anticipates meeting with EPA and PA on revising and finalizing draft FSP Volume 2 following receipt of FSP Volume 2 comments from EPA.
- CPG continues to work on reference site selection criteria. Meetings with EPA and the PA to discuss the same will be scheduled in the near future.
- CPG will meet with EPA to review and discuss the draft Risk Assessment Framework in the near future.
- CPG will continue work to review and evaluate data needs for the Conceptual Site Model.
- CPG anticipates conducting the remaining LPR/Newark Bay modeling following approval of the CPG modeling team.



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(d) <u>Problems encountered and anticipated problems, actual or anticipated delays, and solutions developed and implemented to address actual or anticipated problems or delays.</u>

CPG provided comments to the EPA on February 8, 2008 regarding EPA's decision not to approve the proposed modeling team. This past month, the EPA made the CPG aware of its intent to not approve the modeling team based on the February 8, 2008 response. The CPG has been working to address the most recent comments. Without approval of the modeling team, no modeling efforts are proceeding. This delay in start of modeling has implications for the overall project schedule, as modeling is a critical path activity for the project.

The CPG has been working on a risk assessment framework document that provides necessary detail to the Pathways Analysis Report (PAR) to permit the assessment to move forward. The CPG has been unable to complete that document pending receipt of all stakeholder comments on draft FSP Volume 2 that were to be provided to the CPG following the RI scoping meeting on February 27, 2008. Until comments are received, the CPG is unable to address PA concerns on the draft FSP Volume 2 document and complete the frameworks document.

CPG has worked toward completion of a draft Feasibility Study (FS) Work Plan. Given the pending early action feasibility study evaluation by EPA, submission of the FS Work Plan to EPA is being delayed by mutual agreement. CPG is endeavoring to evaluate potential feasibility study issues consistent with the SOW and the draft FS Work Plan.

The CPG has worked on a revised RI/FS project schedule; however, the CPG cannot complete the schedule until decisions on the low resolution sediment coring program and modeling team have been made; the CPG has received and reviewed the PA comments on draft FSP Volume 2; and further schedule clarification has been made by EPA on their intent to finalize the FFS. It is currently anticipated that a new project schedule will be provided in the second quarter of CY 2008.

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If you have any questions, please contact me or Rob Law at (908) 735-9315.

Very truly yours,

de maximis, inc

Willard F. Potter
Project Coordinator

cc: Sarah Flanagan, EPA Office of Regional Counsel

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